

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5868 of 2021**

Ajay Singh @ Aju S/o Shri Devnarayan Singh Aged About 20 Years Caste Gond, R/o Inta Bhatta Dafai Jhagrakhand, Police Station Jhagrakanda And District Korea Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Police Station Jhagrakhand Tahsil And District Korea Chhattisgarh.

---- Respondent

For the Applicant : Shri Hemant Kumar Agrawal, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.09.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 2935 of 2021 dated 27.7.2021. The applicant has been arrested in connection with Crime No.13 of 2021, registered at Police Station – Jhagrakhand, District – Korea, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(n) of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.1.2021 and has been falsely implicated in this case. The charge-sheet has been filed. The prosecutrix has been examined before the trial Court; she turned hostile and has not made any allegation against the

applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident, the prosecutrix was minor and further, the diary statement present is against the applicant. Hence, he is not entitled for grant of regular bail.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Manendragarh. She made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The prosecution case is that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Perused the copy of the deposition of the prosecutrix produced alongwith the application, it appears that she has been declared hostile for not supporting the case of the prosecution. Hence, looking to this development, I feel inclined to grant regular bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge